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February 1, 2023

VIA ECF

Honorable Victor Marrero
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street, Suite 1040
New York, NY 10007

Re: Ramchandani v. Citigroup Inc., No. 19 Civ. 9124 (VM)(SDA)

Dear Judge Marrero:

I represent the Plaintiff Rohan Ramchandani and write on his behalf to request the sealing of the following:

- Memorandum of Law In Opposition to Defendants' Motion for Summary Judgment;¹
- Plaintiff's Response to Defendants' Local Rule 56.1 Statement of Undisputed Material Facts and Counter-Statement of Undisputed Material Facts; and
- Accompanying exhibits (collectively, the "February 1, 2023 Filing") (filed herewith).

The bases for the confidential treatment of the sealed portions of Plaintiff's February 1, 2023 Filing is as follows.

¹ We note that, after conferring with Defendants' counsel regarding which portions of the Memorandum of Law they believe reflects confidential materials, we intend to publicly file a redacted version thereof.

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Defendants February 1, 2023 Filing contains extensive quotation and or summarization of portions of discovery materials that have been designated Confidential, Highly Confidential, or Attorneys' Eyes Only under the operative protective order in this action (ECF No. 51) (the "Protective Order"). Specifically, the sealed portions of the February 1, 2023 Filing concern: (i) the grand jury materials produced by the Department of Justice ("DOJ") pursuant to Judge Aaron's October 8, 2021 Order under Federal Rule of Criminal Procedure 6(e) (ECF No. 44) and which the DOJ designated Attorneys' Eyes Only (ii) portions of the deposition testimony of the DOJ, and the notes produced by the DOJ in this matter which the DOJ designated Highly Confidential; (iii) a stipulation between Plaintiff and the Office of the Comptroller of Currency ("OCC") that is subject to a protective order entered in Plaintiff's OCC proceedings, (iv) the deposition testimony of Defendants' representatives, which Defendants designated Confidential (v) documents produced by Plaintiff's criminal trial counsel, Wilmer Cutler Pickering Hale and Dorr LLP ("WilmerHale"), which WilmerHale designated as Confidential and (vi) portions of the deposition testimony of former Citi employees, James Forese and Jeffrey Feig, which Citi designated as Highly Confidential.

The foregoing grand jury materials, and related testimony from the Department of Justice, are subject to Judge Aaron's October 8, 2021 Order pursuant to Rule 6(e) (ECF No. 44).

The Protective Order herein stipulates that no one (other than the producing party) "shall disclose" documents designated Confidential or "shall disclose, summarize, describe, characterize, or otherwise communicate or make available" documents designated Highly Confidential or Attorneys' Eyes Only, as the documents at issue here have been designated. ECF 51 ¶¶ 10, 12, 14. Under the Protective Order, the remaining portions of the DOJ's deposition testimony referenced in the February 1, 2023 Filing were designated Highly Confidential by the DOJ. The deposition testimony of Plaintiff and the documents produced by his trial counsel, WilmerHale, were both designated Confidential by Plaintiff and WilmerHale, respectively. Citi designated as Highly Confidential portions of the deposition testimony of its former employees, James Forese and Jeffrey Feig, which discussed Citi's privileged internal investigation into

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potential foreign exchange misconduct and/or documents designated Highly Confidential. The OCC Stipulation is subject to a separate protective order entered in Plaintiff's OCC action.

In accordance with agreements of the parties and designations of third parties referenced above, Plaintiff respectfully seeks the sealing of the confidential portions of the February 1, 2023 Filing. We acknowledge, however, that governing precedents, including Brown v. Maxwell, 929 F.3d 41 (2d Cir. 2019) impose limits upon the circumstances under which summary judgment materials can be withheld from the public record and that, upon weighing the privacy and other interests in confidentiality at issue, the Court may nonetheless choose to direct to public filing of some or all of the contents of the February 1, 2023 filing.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'G. Greenberg', written over a horizontal line.

Gary Greenberg